United Nations A/ES-10/438

General Assembly

Distr.: General
13 January 2009

Original: English

Tenth emergency special session

Letter dated 13 January 2009 from the Secretary-General to the President of the General Assembly

1. At present 19 Member States are in arrears under the terms of Article 19 of the Charter of the United Nations, which states as follows:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

2. The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (2007 and 2008) are as follows:

Member State	*Minimum payment (United States dollars)*
Afghanistan	36 271.00
Cape Verde	23 477.00
Central African Republic*	404 127.00
Chad	22 281.00
Comoros*	796 815.00
Dominican Republic	480 209.00
Guinea-Bissau*	476 423.00
Kyrgyzstan	15 845.80
Liberia*	809 835.00
Malawi	10 503.00
Marshall Islands	3 266.00
Micronesia (Federated States of)	4 809.00
Palau	39 866.00
Paraguay	183 948.83
Saint Kitts and Nevis	4 042.00
Sao Tome and Principe*	660 488.00

09-20888 (E) 140109

Member State	*Minimum payment (United States dollars)*
Somalia[a]	1 088 819.00
Tajikistan[a]	56 787.84
Timor-Leste	1 583.00

[a] In its resolution 63/4, the General Assembly decided that the Central African Republic, the Comoros, Guinea-Bissau, Liberia, Sao Tome and Principe, Somalia and Tajikistan should be permitted to vote in the Assembly until the end of its sixty-third session.

(*Signed*) **Ban** Ki-moon

United Nations A/ES-10/439

General Assembly

Distr.: General
14 January 2009

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 14 January 2009 from the Permanent Representative of Israel to the United Nations addressed to the President of the General Assembly

I refer to the meeting of the tenth emergency special session of the General Assembly, called for 15 January 2009.

I wish to reiterate that the reconvening of the tenth emergency special session represents a violation of the Charter of the United Nations, the mandate of the General Assembly and the established procedures of the United Nations.

The emergency special session will take place as the Security Council is actively addressing the situation in southern Israel and the Gaza Strip. Only last week, the Security Council adopted resolution 1860 (2009), which seeks to promote an end to the current violence. According to resolution 1860 (2009), the Security Council remains seized upon the matter, and indeed, the Security Council held consultations on this issue yesterday, 13 January 2009.

At this very moment, the Secretary-General is visiting the Middle East, including Israel, with the endorsement of the Security Council, in order to facilitate a solution to the conflict.

This flurry of diplomatic activity reflects the ongoing and important work of the Security Council on the matter at hand. According to Article 12 (1) of the United Nations Charter, "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests".

Furthermore, I am confident that you are well aware that, according to General Assembly resolution 377 (r), emergency special sessions of the General Assembly are designed to act only when the Security Council "fails to exercise its primary responsibility for the maintenance of international peace and security". This fundamental prerequisite is applicable to the reconvening of the tenth emergency

09-20929 (E) 140109

special session as highlighted in the jurisprudence of the International Court of Justice.[1]

Given that the Security Council remains deeply engaged in this matter, it is beyond the mandate of the President of the General Assembly to convene such a meeting.

In addition, the tenth emergency special session was initiated due to the inability of the Security Council to take action on the issue of settlements. However, the current situation is entirely removed from this subject matter. In fact, Israel dismantled every one of its settlements, and removed every one of the 8,000 Israelis living in the Gaza Strip in 2005.

Given these aforementioned facts, Israel once again demands the cancellation of tomorrow's meeting.

I should be grateful if you would have the present letter distributed as a document of the General Assembly.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

[1] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, para. 31.

United Nations A/ES-10/440

General Assembly

Distr.: General
14 January 2009

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 8 January 2009 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the General Assembly

Upon the instruction of my Government, and as expressed in the statement of Indonesia at the resumed emergency meeting of the Security Council on 7 January 2008, I have the honour to request the resumption, at a time deemed appropriate, of the tenth emergency special session of the General Assembly to consider the situation in the Gaza Strip.

(*Signed*) R. M. Marty M. **Natalegawa**

09-20936 (E) 140109

United Nations A/ES-10/441

General Assembly

Distr.: General
14 January 2009

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Note verbale dated 8 January 2009 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the President of the General Assembly and, in light of the failure of the Security Council to shoulder its responsibility towards preserving international peace and security as established by the Charter of the United Nations and in view of the continuous Israeli aggression against the Palestinian people in Gaza, has the honour to request the resumption of the tenth emergency special session of the Assembly.

As you are aware, in accordance with resolution 377 (V) of 3 November 1950, the General Assembly has the mandate to consider a matter related to international peace and security when the Security Council falls short of taking immediate and necessary action. Furthermore, the Assembly, in its resolution ES-10/17, authorized the President of the Assembly to resume the meeting of the tenth emergency special session upon request from Member States. Thus, immediate and sufficient action by the Assembly is strongly requested under your esteemed leadership of the work of the Assembly.

09-20942 (E) 140109

United Nations A/ES-10/442 S/2009/40

General Assembly
Security Council

Distr.: General
15 January 2009

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 14 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Nineteen days ago, Israel, the occupying Power, started an unrelenting and brutal war against the 1.5 million Palestinians in the Gaza Strip. Since then, Israeli officials have repeatedly and shamelessly announced that their actions, which according to several Israeli and international human rights organizations amount to war crimes, would continue despite international calls for their immediate end. Again and again, we have heard Israeli officials state that United Nations Security Council resolution 1860 (2009) is a resolution they have wilfully decided to ignore. Needless to say, this is an outrageous display of disrespect and contempt towards the United Nations, the Security Council and the will of the international community. That message is: if you possess the firepower and political support of some, you can literally get away with murder, war crimes, and aggression; in other words, you can be a State above international law. This is an intolerable situation that threatens stability and security in the region that should not be tolerated by the international community anymore.

At the writing of this letter, Israeli bombardment has killed nearly 1,000 Palestinians, including 400 children and women, and injured nearly 5,000 Palestinians, about 400 of whom are in very critical condition. Israel's war machine has spared no one and nothing; not a corner in the Gaza Strip has been spared from this destructive campaign, and as we tally the toll of this war, we must recall that Israeli occupying forces are impeding the access of the heroic Palestinian paramedics from reaching scores of Palestinian civilians injured inside their homes or buried under the rubble in many of the Strip's border-area neighbourhoods. The International Committee of the Red Cross has confirmed that the "Israeli military failed to meet its obligation under international humanitarian law to care for and evacuate the wounded". Sadly, medical officials on the ground have confirmed that the number they are now reporting is limited only to those killed and injured who they have been able to recover. Survivors of Israeli bombardment insist that while fleeing their towns and neighbourhoods across Gaza, they witnessed scores of

(09-21046 (E) 150109)

decomposing bodies lying on the ground and under the rubble, adding to their trauma and fear.

Overnight, Israeli artillery and warplanes continued to pound residential neighbourhoods across the Gaza Strip, sparing nothing and no one, including cemeteries. Seventeen Palestinians were killed during the overnight hours in circumstances that only add further proof of the brutality of Israel's war. Palestinian medical sources confirm that several Palestinian civilians fleeing the bombardment were shelled by Israeli forces, as was the case in Khan Younis, which resulted in the killing of a woman and the severe injury of several of her family members. To the north, in Gaza City's Al-Shate' refugee camp and Jabaliya refugee camp, Israeli bombardment targeted apartments in residential buildings, killing and injuring several civilians.

There is growing evidence on the ground, corroborated by international weapons experts of Human Rights Watch, that Israeli forces are firing missiles and artillery shells containing white phosphorous into densely populated neighbourhoods across the Gaza Strip. In Khuzaa, south of Khan Younis, Beit Hanoun, and Jabaliya, Palestinians report that their homes are being bombed and burned by Israeli shells that fall burning and emitting a choking white smoke that from the sky looks like a jellyfish raining down balls of fire on innocent civilians. Doctors in Gaza have pleaded repeatedly for help in treating wounds and severe burns that they have never seen in the past. They say some of the weapons that Israel is using burns human flesh down to the bare bones and others amputate and sear bodies, leaving shrapnel that cannot be detected by X-ray, which results in the death of patients after doctors treat them for the wounds they can detect. These types of amputations and undetectable shrapnel are consistent, according to experts and doctors, with the use of DIME, an illegal and highly hazardous weapon.

Also highly alarming are accusations by the Israeli human rights organization B'Tselem that Israeli forces in Khuzaa, south of Khan Younis, shot 50-year-old Rawia al-Najjar, as she tried to flee the bombarded village, waving a white flag. No one has been able to reach her; she is still lying on the street injured, perhaps now dead. According to eyewitnesses quoted by the organization, Rawia had decided to venture out in the street with a white flag in order to signal to the Israeli forces that civilians in the area wanted to flee the bombing. She was shot as soon as she stepped out of the house, even though she was following the orders of Israeli forces, who told residents on loudspeakers that they should evacuate their homes carrying white flags and take shelter in a school close by. Also in Khusaa, B'Tselem says that eyewitnesses confirm that Israeli soldiers killed 54-year-old Mohamad Al-Najjar, 25-year-old Ahmad al-Najjar, and 80-year-old Khalil al-Najjar and injured several others as they waved a white flag and walked out of their homes towards the school Israeli forces instructed them to flee to.

While this wanton killing and destruction is happening on the ground in Gaza, we hear shocking words from Israeli officials. Israeli Foreign Minister Tzipi Livni has told Israeli media that her country has achieved what it wanted, which, in her words, was to prove that Israel can act with madness and without any inhibitions in Gaza. This is a shameless attempt to boast about the killing of hundreds of civilians and the destruction of an entire occupied region that should be confronted with absolute condemnation. In another case of criminal incitement, Avigdor Lieberman, the right-wing Israeli politician, called on the Israeli army to wipe Gaza off

employing, in his words, the same means the United States employed against Japan in the Second World War, in reference to the atomic bomb. This is an abject and clear call for mass murder and genocide.

The heart-wrenching images that are coming out of Gaza cannot be disputed; neither can the impassioned testimonies of human rights activists and doctors who have been shocked by the brutality and extremism of Israel's war against Gaza's defenceless population. Palestinians cannot find space to bury their dead in Gaza's cemeteries so they are forced to dig their loved ones' old graves. We ask you, how much more can humanity tolerate as the basic principles of human dignity are violated in Gaza? The values of humanity are being shattered in Gaza at the hands of a brutal occupying Power whose crimes have known no limits. Enough has been said; Gaza's terrorized and bombarded population deserves more from the world than words, pleas, and hopes that so far have not stopped a single Israeli bomb from shattering the lives of yet another Palestinian family, and the innocence and the mental health of yet another Palestinian child.

We appreciate the diplomatic efforts now being undertaken by Secretary-General Ban Ki-moon, but time is of the essence and stopping this aggression must be achieved immediately and not when Israel decides.

This letter is in follow-up to our previous 331 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 12 January 2009 (A/ES-10/437-S/2009/30), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice. (As all the victims have not yet been identified, their names will be included in an annex to a future letter.)

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

United Nations A/ES-10/443

General Assembly

Distr.: General
16 January 2009

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 10 January 2009 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the General Assembly

I have the honour to forward herewith a letter dated 10 January 2009 from Mr. Abdullah Ahmad Badawi, Prime Minister of Malaysia (see annex). The Prime Minister appreciated your decision to convene an emergency session of the General Assembly on 8 January 2009 to address the deteriorating situation in Gaza, which was deferred in light of the adoption by the Security Council of resolution 1860 (2009). In view of the fact that the call by the Council for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza has not been heeded. The Prime Minister requests your personal intervention with members of the Security Council and with the leaders of the concerned parties to demand an immediate cessation of violence as well as the reconvening of the emergency special session of the General Assembly to address the situation in Gaza in the spirit of General Assembly resolution 377 (V), of 3 November 1950, entitled "Uniting for peace".

(*Signed*) Hamidon **Ali**
Ambassador
Permanent Representative of Malaysia

09-21217 (E) 190109

Annex to the letter dated 10 January 2009 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the General Assembly

I was delighted to hear, after I had written a letter to you on 7 January 2009, that you had decided to convene an emergency special session of the General Assembly on 8 January 2009 to request the Security Council to address the deteriorating situation in Gaza and to take the necessary decisions to declare an immediate and unconditional ceasefire as well as to demand that the parties concerned comply with the multitude of United Nations resolutions concerning the question of Palestine.

Then, in the wake of the action taken by the Security Council to meet and adopt resolution 1860 (2009) on 8 January 2009, you decided to defer the reconvening of the emergency special session of the General Assembly. I agree that your decision to defer the emergency special session was consistent with United Nations procedures and traditions.

However, as you are aware, Security Council resolution 1860 (2009) did not have the desired effect of putting a stop to the killing and destruction taking place in Gaza. The call by the Security Council for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza, has not been heeded. I fear that the situation in Gaza will only get worse.

We all know that the main weakness of Security Council resolution 1860 (2009) is the absence of any provision in the resolution for an implementing mechanism such as the establishment of an international monitoring team or a United Nations peacekeeping force that can enforce the ceasefire and prevent the outbreak of new hostilities.

In view of the latest developments, and in your capacity as President of the General Assembly, I would like to seek your personal intervention with members of the Security Council and with the leaders of the concerned parties to demand an immediate cessation of violence and that they work to re-establish stability in Gaza.

I would also like to request you to reconvene the emergency special session of the General Assembly which you had postponed on 8 January 2009. I believe the circumstances prevailing on the ground in Gaza, and the uncertainty prevailing in the Security Council, require that you take this necessary action. In my view, the only option available to the general membership of the United Nations to play their part of upholding the principal role of the United Nations in averting war and maintaining international peace and security is to assemble and address the situation in Gaza in the spirit of General Assembly resolution 377 (V), of 3 November 1950, entitled "Uniting for peace".

(*Signed*) Abdullah Ahmad **Badawi**

United Nations A/ES-10/444

General Assembly

Distr.: General
16 January 2009

Original: English

Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 14 January 2009 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the General Assembly

I have the honour to forward herewith a copy of the resolution passed by the Malaysian Parliament condemning the Israeli attacks on the Palestinian territory of Gáza. The resolution was tabled by Abdullah Ahmad Badawi, the Prime Minister of Malaysia, on 12 January 2009, at a special sitting of the Malaysia's House of Representatives (see annex).

The 10-point resolution, inter alia, calls for the United Nations to compel Israel to immediately cease its military attacks on Gaza; demands a full withdrawal of Israel from the Palestinian Territory of Gaza; urges the United Nations to convene an emergency special session of the General Assembly; appeals for the international community to immediately extend humanitarian contributions to Gaza; and urges all parties to adhere to resolutions adopted by the Security Council on this matter in efforts towards the peace process.

Malaysia looks forward to the emergency special session of the General Assembly under resolution 377 (V), to be held tomorrow, 15 January 2009.

(*Signed*) Hamidon **Ali**
Ambassador
Permanent Representative of Malaysia

09-21223 (E) 190109

Annex to the letter dated 14 January 2009 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the General Assembly

Resolution in accordance with standing orders 27(3)

Condemnation of Israeli attacks on the Palestinian Territory of Gaza

In accordance with Standing Orders 27(3), the House of Representatives of the Parliament of Malaysia, hereby adopts the following resolution:

THAT Israel had launched a military attack called Operation "Cast Lead" on 27 December 2008 on the Palestinian Territory of Gaza comprising air bombardments followed by a military ground offensive on 3 January 2009;

THAT the Israeli attacks on the Palestinian Territory of Gaza is an act which violates international law, human rights law, international humanitarian law and the Charter of the United Nations and is a war crime in breach of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War;

THAT the Malaysian people holds firm to the stance that there is no strong justification for the disproportionate, indiscriminate and excessive attacks on the Palestinian Territory of Gaza and thus rejects the collective punishment imposed on the Palestinian people in Gaza; and

THAT the Malaysian people are deeply dismayed and regret the inability of the international community, particularly the United Nations Security Council, to immediately stop the aggression of the state of Israel on the Palestinian Territory of Gaza.

THUS, this House resolves to:

(1) Condemn strongly the Israeli military attacks on the Palestinian Territory of Gaza claiming the lives of Palestinian civilians, including women, children, infants and the elderly, and urges the full withdrawal of Israel from the Palestinian Territory of Gaza;

(2) Urge the United Nations Security Council to compel Israel to immediately cease its military attacks on the Palestinian Territory of Gaza through a ceasefire and to decide to deploy a United Nations peacekeeping force to enforce the ceasefire;

(3) Urge the United Nations General Assembly to convene an emergency special session of the General Assembly under its resolution 377A (V) "Uniting for peace" — if the United Nations Security Council fails to implement its decisions as adopted on 8 January 2009;

(4) Urge the parties involved to continue efforts towards the peace process as well as to implement and adhere to the relevant resolutions adopted by the United Nations on the issue of Palestine and the Arab-Israeli conflict;

(5) Decide that Malaysia will work with the member states of the Organization of Islamic Conference, the Non-Aligned Movement, the Arab League and other like-minded states to uphold the principles of international law and the

Charter of the United Nations in addressing the conflict as currently developing in the Middle East;

(6) Express the solidarity of the Malaysian people towards the cause of the Palestinian people in establishing an independent and sovereign Palestinian state;

(7) Urge the Palestinian people to unite in safeguarding their inalienable rights and the establishment of an independent and sovereign Palestinian state;

(8) Appeal to the international community to immediately extend humanitarian contributions to the people of the Palestinian Territory of Gaza;

(9) Urge the United Nations General Assembly to immediately establish an International Criminal Tribunal for Palestine to investigate and prosecute suspected Israeli war criminals involved in the brutal and aggressive acts on the Palestinian people; and

(10) Decide to transmit this resolution to all relevant Legislative Assemblies and Parliaments concerned, especially the United States Congress, the British Parliament and the European Parliament.

12 January 2009